

March 14, 2025

The Honorable Jarrett Keohokalole, Chair

Senate Committee on Commerce and Consumer Protection
State Capitol, Conference Room 229 & Videoconference

RE: House Bill 463, HD3, Relating to Eviction Records

HEARING: Friday, March 14, 2025, at 9:30 a.m.

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR provides **comments** on House Bill 463, HD3, which requires the courts to disassociate, within a reasonable time, a residential tenant from a legal proceeding brought by a landlord to evict a tenant if certain conditions are met. Authorizes the court to disassociate a residential tenant from a legal proceeding upon motion by a tenant who is able to demonstrate that certain conditions apply. Makes it a discriminatory practice to discriminate against a person based on the knowledge or belief that the person has been the subject of an action that has been disassociated. Prohibits discrimination in real property transactions against a person that has been the subject of an action that has been disassociated. Effective 7/1/3000.

Court records are generally open to the public and maintaining access to court records ensures transparency and accountability in the process. In addition to allowing housing providers to review a tenant's full rental history, this access also enables tenants to check for any violations by housing providers. Additionally, judges have the authority to seal a hearing on a case-by-case basis if requested so this measure may not be necessary.

Mahalo for the opportunity to provide testimony on this measure.

To: Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Senate Committee on Commerce and Consumer Protection

From: Chevelle Davis, MPH - Director of Early Childhood & Health Policy
Hawai'i Children's Action Network Speaks!

Subject: Measure H.B. No. 463 H.D. 3 – Relating to Eviction Records

Hearing: Friday, March 14, 2025, at 9:30 AM, Conference Room 229

POSITION: STRONG SUPPORT

Aloha e Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

Mahalo for the opportunity to provide testimony in **STRONG SUPPORT of H.B. No. 463 H.D. 3**, which would ensure that eviction records are sealed immediately in cases where tenants prevail and within two years where landlords prevail. Additionally, this bill would prohibit discrimination in real estate transactions against individuals with sealed eviction records.

Eviction records, even when tenants were not at fault, create significant and unjust barriers to securing housing, particularly for parents with keiki. Families with eviction filings on their records, regardless of the case outcome, often struggle to find stable housing, forcing them into overcrowded conditions, extended stays in shelters, or even homelessness. The instability caused by eviction disproportionately affects keiki, particularly Native Hawaiians and Pacific Islanders, leading to disruptions in schooling, mental health challenges, and adverse long-term outcomes.

For parents, securing safe and stable housing is essential to the well-being of their keiki. When an eviction filing follows a family—despite the tenant winning in court—it can block them from accessing quality housing, pushing them into substandard living situations that may lack adequate space, reliable utilities, or proximity to their preferred school and childcare. Additionally, it can uproot families from their community, severing vital social support networks. By sealing eviction records where tenants prevail, this bill ensures that parents are not punished for exercising their rights and that families are not trapped in a cycle of housing instability.

Furthermore, the fear of an eviction record often discourages parents from speaking up about critical habitability issues such as mold, pest infestations, or faulty infrastructure such as electricity and plumbing — problems that pose direct risks to the health of families and keiki. Parents should not have to choose between advocating for safe housing and risking an eviction filing that could jeopardize their family's future housing opportunities. Sealing eviction records when tenants prevail empowers families to stand up for their rights without fear of lasting consequences.

Additionally, ensuring eviction records are sealed within two years for cases where landlords prevail recognizes that financial hardships, medical emergencies, or unexpected life circumstances should not permanently bar families from obtaining stable housing. Families deserve a second chance to rebuild their lives without an eviction record acting as a lifelong barrier to safe and affordable housing.

Finally, the bill's anti-discrimination protections are vital to ensuring that sealed eviction records provide a fresh start. Without these protections, parents and their keiki could still face wrongful denials when seeking housing, perpetuating instability and hardship.

By passing H.B. 463 H.D. 3, the legislature can remove an unnecessary obstacle that prevents families from accessing safe, stable homes, protect parents' ability to advocate for the housing needs of their keiki and create a fairer housing system for all. For these reasons, we urge your strong support for this critical measure.

Mahalo for the opportunity to testify in **STRONG SUPPORT** of this critical measure.

HB-463-HD-3

Submitted on: 3/11/2025 12:55:59 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julianna Davis	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in full support of HB 463 which would seal eviction records in cases where the tenant prevailed. With housing in Hawai‘i already so challenging for tenants and low wage workers, eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from asking for repairs or asking their landlord to address habitability issues. By sealing records in cases where tenants prevail, tenant can feel more empowered to assert their rights.

Mahalo for your time and the opportunity to testify.

Julianna Davis

HB-463-HD-3

Submitted on: 3/8/2025 8:44:25 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.

HB-463-HD-3

Submitted on: 3/11/2025 2:50:19 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayla Marie	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure

HB-463-HD-3

Submitted on: 3/11/2025 3:25:08 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy Wake	Individual	Support	Written Testimony Only

Comments:

Eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from making waves by asking for repairs or asking their landlord to address habitability issues. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights.

HB-463-HD-3

Submitted on: 3/11/2025 3:30:42 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamra Hayden	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill because it prohibits discrimination in real property transactions against a person with a sealed eviction record. Eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from making waves by asking for repairs or asking their landlord to address habitability issues. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights.

HB-463-HD-3

Submitted on: 3/11/2025 3:54:54 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

I am in strong support of this bill.

HB-463-HD-3

Submitted on: 3/11/2025 5:46:54 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Momi Vee	Individual	Support	Written Testimony Only

Comments:

Aloha I am testifying in support of this bill. The eviction records pose a serious barrier when housing tenants. The threat of eviction, often prevents tenants from asking for simple but necessary repairs. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights, that ultimately tenants have. We are all human and can live a healthy life with dignity and respect when we have a home to live in, a job to help pay for bills as well as rent, and this keeps us out of the streets. Living in a homeless situation can make people lose all trust in humanity and leave people to do dangerous things to themselves and others. We need to first of all trust that people will do good, if they don't then take actions towards eviction. But let that be a last resort, especially if children or seniors are involved.

HB-463-HD-3

Submitted on: 3/11/2025 8:18:23 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Faccenda	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure

Eileen Cain
720 Mahi'ai St., Apt. E
Honolulu, Hawai'i 96826-5635
eileencaïn808@gmail.com
March 11, 2025

Aloha, Members of the House Committee on Commerce and Consumer Protection!

Hawai'i State House of Representatives,

I am testifying in **STRONG SUPPORT** of **HB 463 HD3**.

My name is Eileen Cain and I have been a resident of Honolulu for nearly 50 years.

Please pass **HB463 HD3** so that renters who have prevailed in eviction disputes will be protected. If a decision has been made in favor of the tenants because they were wrongtully evicted, a record of that eviction should not be available for potential future landlords to see. The record should not be allowed to follow them through life as they look for other housing. Such records should be sealed.

I urge the Committee to **PASS HB463 HD3**. Mahalo for the opportunity to testify.

Mahalo for your attention to this matter.

Aloha,

Eileen Cain
Honolulu

HB-463-HD-3

Submitted on: 3/11/2025 8:25:54 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Leibowitz	Individual	Support	Written Testimony Only

Comments:

I support this bill because eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from making waves by asking for repairs or asking their landlord to address habitability issues. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights.

HB-463-HD-3

Submitted on: 3/11/2025 8:54:05 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kanani Kai	Individual	Support	Written Testimony Only

Comments:

~~I support this bill.~~

~~Kanani Kai~~



LATE

The Judiciary, State of Hawai'i

Testimony to the Thirty-Third State Legislature, 2025 Session

Senate Committee on Commerce & Consumer Protection

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

Friday, March 14, 2025, 9:30 a.m.
Conference Room 229

By:

Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

Bill No. and Title: House Bill No. 463, H.D. 3 – Relating to Eviction Records

Purpose: Requires the courts to disassociate, within a reasonable time, a residential tenant from a legal proceeding brought by a landlord to evict a tenant if certain conditions are met. Authorizes the court to disassociate a residential tenant from a legal proceeding upon motion by a tenant who is able to demonstrate that certain conditions apply. Makes it a discriminatory practice to discriminate against a person based on the knowledge or belief that the person has been the subject of an action that has been disassociated. Prohibits discrimination in real property transactions against a person that has been the subject of an action that has been disassociated. Effective 7/1/3000. (HD3)

Judiciary's Position:

The Judiciary takes no position on the merits of the bill and submits the following concerns for the Legislature's consideration.

This bill would require the court to disassociate any residential tenant from a legal proceeding brought by a landlord against a tenant if the landlord does not prevail or all parties agree to the sealing of records. This measure would make it a discriminatory practice to require disclosure of any disassociated eviction records in certain real property transactions.



The Judiciary has conducted preliminary research regarding the possibility of implementing a feature that would block a party's name from being associated to a case when a name search is conducted on the Judiciary's publicly accessible system. Conceptually, the Judiciary Information Management System (JIMS) can be programmed to complete this task. However, more time is needed to fully assess how this programming may impact other system functions and processes. For example, the JIMS system was not designed to differentiate between a residential and commercial summary possession case type. In addition, initial findings indicate that a modification to JIMS would only be applied prospectively and not retroactively.

While the Judiciary understands the hardships that can result from an eviction, it is important to stress that court records are generally open to the public. The Judiciary takes any type of masking, disassociation, or sealing of documents very seriously and requires careful case-by-case review. Open document review allows the public to have confidence in the court system by knowing that access to court records are open, transparent, and available.

A study to determine the various issues, impacts, and the best approach should be considered.

Thank you for the opportunity to testify on this measure.

LATE**LATE**

HAWAII WORKERS CENTER

Defending and Respecting the workers of
Hawaii'i

808-743-1031 📞

hawaiiworkerscenter@gmail.com ✉️

Mail: P.O. Box 29969, Honolulu, HI 96820 ✉️

hawaiiworkerscenter.org 🌐

March 13, 2025

**Executive Board
Committee**

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Mary Ochs
Vice Chair

Dr. Arcelita Imasa
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CJ Johnson

Executive Director

Sergio Alcubilla III, Esq.

Hawaii State Senate
Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

RE: STRONG SUPPORT for H.B. 463 HD3 Relating to Eviction Records

Dear Chari Senator Keohokalole, Vice Chair Senator Fukunaga, and Members of the Committee on Commerce and Consumer Protection:

The Hawaii Workers Center (HWC) envisions a Hawaii in which all workers are empowered to exercise their right to organize for their social, economic and political well-being.

It is a resource of information, education, training and organizing for Hawaii's workers.

The HWC stands in **strong support of H.B. 463 HD3** which requires the courts to disassociate, within a reasonable time, a residential tenant from a legal proceeding brought by a landlord to evict a tenant if certain conditions are met. Makes it a discriminatory practice to discriminate against a person based on the knowledge or belief that the person has been the subject of an action that has been disassociated. Prohibits discrimination in real property transactions against a person that has been the subject of an action that has been disassociated.

This bill is driven by the members of the COFA Workers Association and the Maui Tenants & Workers Association, projects of the Hawaii Workers Center. As it stands, a potential landlord may simply do an online search on the Judiciary website and see a summary possession case and deny a tenant's application without understanding the entire facts of the case or even its final disposition. Baseless summary possession records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from making waves in asking for repairs or asking their landlord to address habitability issues. This was the case for members of our COFA Workers Association who often do not have a long rental history here in Hawaii. By sealing records in cases where tenants prevail, an unjust filing for eviction does not continue to hamper tenants' ability to secure future housing.

Thank you for your consideration in support of H.B. 463 HD3.

Sincerely,

Sergio Alcubilla
Executive Director



Rosalee Agas Yuu, RN
President

1600 Ala Moana Blvd Suite 100
Honolulu, HI 96815

Tel: (808) 531-1628
Fax: (808) 524-2760

The Thirty-Third Legislature, State of Hawai'i
Hawai'i State Senate
Committee on Ways and Means

Testimony by
Hawaii Nurses Association

LATE

TESTIMONY IN SUPPORT OF HB463 HD3 – RELATING TO EVICTION RECORDS
Senate Committee on Commerce and Consumer Protection
March 14, 2025, 9:30 AM
Conference Room 229, Hawaii State Capitol

Aloha Chair Keohokalole and Vice Chair Fukunaga, and Honorable Members of the Senate Committee on Commerce and Consumer Protection:

The Hawai'i Nurses Association – OPEIU Local 50 is affiliated with the AFL-CIO, was founded in 1917, and represents 4,000 nurses in the State of Hawai'i.

Thank you for this opportunity to testify in **Strong Support** of HB463 HD3. As nurses, we see daily the profound impact that housing instability can have on our patients' health and well-being. Many of the individuals we care for struggle with chronic illnesses and mental health challenges that are exacerbated by the stress of eviction and housing insecurity. By supporting legislation that requires courts to disassociate residential tenants from eviction records when appropriate, we are taking a critical step toward reducing the cycle of instability that undermines health outcomes. Removing the lasting mark of an eviction filing—even when the case does not result in a judgment for possession—can help ensure that individuals have a fair chance at obtaining stable housing, which is foundational for good health.

The current eviction process often creates long-term barriers to housing access, imposing additional financial and psychological burdens on vulnerable populations. These barriers are particularly detrimental to low-income individuals, many of whom are already battling health disparities and limited access to healthcare. As nurses, we are deeply aware that the stress associated with unstable housing can lead to increased hospital admissions, chronic disease complications, and poor mental health outcomes. By mitigating the stigma attached to eviction records, this legislation supports a more equitable system that promotes stability, ultimately reducing healthcare disparities and easing the overall burden on our medical system.

Furthermore, this legislation aligns with the core values of our profession—compassion, advocacy, and the commitment to social justice. Nurses consistently work at the intersection of health and social determinants, and we know that a safe and stable home environment is crucial for healing and recovery. We believe that by removing discriminatory practices tied to eviction

records, the bill not only safeguards the dignity of our patients but also creates a healthier community. In supporting this legislation, we affirm our commitment to addressing the root causes of health inequities and ensuring that every individual has access to the secure housing necessary for optimal health.

Mahalo for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script that reads "Carol Philips". The signature is written in dark ink and is positioned above the typed name.

Carol Philips, Legislative Specialist
Hawaii Nurses' Association



LATE

Testimony of **Lahaina Strong**
Before the Senate Committee on
Commerce and Consumer Protection

In Support of House Bill No. 463 HD 3
RELATING TO EVICTION RECORDS

To Chair Keohokalole, Vice Chair Fukunaga, and the honorable members of the committee,

We are writing on behalf of Lahaina Strong, an organization deeply rooted in our community’s resilience and advocacy. Originally formed in 2018 following the Hurricane Lane fire in Lahaina and revitalized after the devastating fires of August 8, 2023, Lahaina Strong has become the largest grassroots, Lahaina-based community organization, with over 35,000 supporters. Our mission is to amplify local voices and champion community-driven solutions, which are more critical than ever as we continue rebuilding and recovering.

Lahaina Strong **stands in support of House Bill 463 HD3**, which seals eviction records, recognizing it as a necessary step toward housing justice and economic stability for our community. The housing crisis in Maui—exacerbated by the August 8th wildfires—has left families struggling with skyrocketing rents, displacement, and limited options for stable housing.

Too often, an eviction record—whether justified or not—becomes a life sentence, preventing families from securing future rentals. Many in our community have faced no-fault evictions, predatory rent increases, or have been forced into impossible decisions just to keep a roof over their heads. This bill ensures that those who were unjustly evicted, entered settlements, or had their cases dismissed are not permanently penalized for circumstances beyond their control.

We also appreciate the Legislature for these thoughtful amendments, which take important steps toward protecting tenants from unfair discrimination while ensuring a

more just and balanced approach to eviction records. By shifting to disassociation instead of sealing, this bill provides real safeguards for renters while maintaining transparency in the judicial system.

Disassociation helps prevent tenant blacklisting by ensuring eviction records are not tied to a renter's name in public searches, reducing the risk of landlord bias. It also makes implementation easier by avoiding the administrative burden and legal complexities of full record sealing. At the same time, it maintains court transparency, allowing policymakers, advocates, and researchers to track housing trends without exposing individual tenants to harm. Unlike sealing, which landlords often view as a red flag, disassociation helps close loopholes in rental screening by ensuring tenants are not automatically penalized for past legal proceedings.

These amendments strike a strong balance between housing justice and responsible governance, and we appreciate the Legislature's commitment to protecting tenants and promoting fair access to housing. Lahaina Strong urges you to **pass House Bill 463 HD3** to help ensure that our 'ohana have a fighting chance at staying housed in the community they call home.

Mahalo for your attention to this vital matter and your dedication to safeguarding our community.

Sincerely,

Lahaina Strong



Senate Committee on Commerce and Consumer Protection
Honorable Jarrett Keohokalole, Chair
Honorable Carol Fukunaga, Vice Chair

RE: Testimony with Comments on H.B. 463 H.D. 3, Relating to Eviction Records

Hearing: March 14, 2025 at 9:30 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony with **comments** on H.B. 463 H.D. 3.

Prior drafts of this measure included provisions that would *categorically seal* court records, in violation of the First Amendment right of public access to judicial records. *E.g., Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 607-10 (1982) (striking down state statute that categorically barred public access to certain court proceedings because it failed to consider individualized circumstances on a case-by-case basis); *Civil Beat Law Ctr. for the Pub. Int., Inc. v. Maile*, 113 F.4th 1168, 1172 (9th Cir. 2024) (holding unconstitutional state court rule requiring categorical sealing of all medical and health records filed in any state court proceeding without a case-by-case analysis).

H.B. 463 H.D. 3 avoids that constitutional defect by *disassociating* eviction case records from the name of a tenant in the Judiciary’s publicly accessible case search platform, eCourt Kokua. Disassociation is also a more effective and narrowly tailored solution than sealing. In prior testimony we explain how, for example, even if a criminal case is sealed, it will still be associated with the defendant’s name and show up in eCourt Kokua search results, as shown below.

Party Name	Case	Case Type
Rogan, Jerome	21908 - STATE OF HAWAII, Plaintiff-Appellee v. JEROME ROG	Appeal
Rogan, Jerome, Tramaine	4596512MO - State v. Jerome, Rogan	Traffic Crime
Rogan, Jerome, Tramaine	4596516MO - State v. Jerome, Rogan	Traffic Infraction
Rogan, Jerome, Tramaine	4596515MO - State v. Jerome, Rogan	Traffic Crime
Redacted	1PC970001153 - Case Title Redacted	Circuit Court Criminal



Disassociation better accomplishes the goal of preventing potential discrimination when landlords or others search eCourt Kokua. By disassociating the eviction *case* from the *name of the tenant*, an eCourt Kokua search of the tenant's name would yield no eviction case. The case would still be searchable by the name of the landlord, which ensures abusive housing practices are not unintendedly obscured.¹ And the case records would still be available for courthouse (in person) access, ensuring the public's First Amendment right of access remains intact.

In the end, disassociation makes finding certain records harder, but not impossible. But even if a landlord went through the effort to obtain records, Part III of H.B. 463 S.D. 3 still prohibits using the information in those records to discriminate. Thus, the solution as currently drafted provides what advocates want to accomplish without violating the constitutional right of access to court records and proceedings.

Thank you again for the opportunity to testify with comments on H.B. 463 S.D. 3.

¹ *E.g.*, <https://www.aclu.org/press-releases/aclu-and-naacp-secure-access-to-public-eviction-records-in-data-scraping-case> ("The South Carolina NAACP will now have access to all of the public docket information it requires to provide services to tenants in eviction proceedings, and to engage in advocacy to enforce fair housing laws.").



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

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LATE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
Support for HB463 HD3 – Eviction Records

House Committee on Judiciary

Wednesday, March 14, 2025 at 9:30 PM Conf. Rm. 229 and via Videoconference

Dear Chair Keohokalole, Vice Chair Fukunaga, and Committee Members:

Mahalo for the opportunity to testify in **support of HB463 HD3**, which would require the sealing of eviction records.

HB463 HD3 addresses the lasting negative impacts of eviction records on individuals' and families' ability to secure stable housing. Currently, the mere filing of an eviction case, regardless of its outcome or merits, stays on a tenant's record. Studies have indicated that this creates insurmountable barriers to future housing access¹. This bill ensures that dismissed or resolved cases don't continue to unfairly impact tenants' housing opportunities by requiring immediate record sealing in eviction cases if the landlord is not granted repossession of the unit or if all parties agree to record sealing.

Property owners argue that sealing data on eviction filings eliminates crucial insights into damaged rental histories - citing eviction filings as evidence of late rent payment, nonpayment of rent or a violation of the lease terms, and thus proving poor tenancy. However, The Eviction Lab, one of the most comprehensive initiatives to track eviction filings across the nation, notes that court record data is consistently inaccurate and misleading - often not including information on the judgment in an eviction case, even when in favor of the tenant.² In one study, less than half of eviction filings led to actual evictions.³ This ambiguity of eviction filing data falsely represents a tenant's rental history.

The current system of permanent, publicly accessible eviction records serves neither justice nor our community's interests. Studies indicate that simply being named in an eviction complaint, regardless of the merits or outcome, can severely limit future housing options and prolong housing insecurity.⁴ This system perpetuates a cycle of financial instability. Without access to stable housing, individuals struggle to maintain employment, their children's education is disrupted, and their health suffers while costs ripple out to the entire community through increased use of emergency housing services.⁵

¹ <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1202&context=njlsp>

² <https://www.tandfonline.com/doi/pdf/10.1080/10511482.2020.1748084?needAccess=true>

³ https://housingactionil.org/downloads/EvictionBrief_February2019.pdf

⁴ <https://poverty.umich.edu/2024/07/16/research-shows-far-reaching-costs-of-eviction-filings-to-tenants-regardless-of-the-outcome-in-court/>

⁵ https://static1.squarespace.com/static/601374ae84e51e430a1829d8/t/65b1a4d6430f7676ae24ea08/1706140892699/Keeping+Hawaii+Housed_FINAL.pdf



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
Support for HB463 HD3 – Eviction Records
House Committee on Judiciary
Wednesday, March 14, 2025 at 9:30 PM Conf. Rm. 229 and via Videoconference

By sealing meritless eviction records, the bill better supports landlords to make *more informed* decisions about tenants while also preventing perpetual barriers to housing from individuals unfairly impacted in leasing decisions.

HB463 HD3 also permits record sealing of past judged cases by motion request of the tenant if tenants can provide substantial evidence that certain situations occurred, such as unlawful eviction from discriminatory or retaliatory practices. Recognizing that unlawful practices can still lead to evictions, Hawai'i Appleseed recommends that the Committee amend this measure to **ensure that records are sealed immediately upon filing and remain sealed unless the court rules against the tenant**. This amendment ensures that if landlords file unjust or unlawful summary possession cases, the eviction records will remain sealed and inaccessible to automated data collection systems throughout the court proceedings, including legal challenges, and stay sealed if an appeal overturns the original ruling for possession.

In today's rental market, automated tenant screening systems routinely reject applicants with any eviction filing on record, even if the case was dismissed or later sealed. Screening companies often store outdated records, buy and sell data in bulk without verification, and may continue reporting sealed evictions if they previously scraped or archived the information. Unlike other states with stronger regulations, Hawaii lacks state-specific laws requiring consumer reporting agencies to verify, update, or remove sealed eviction records, leaving tenants with little recourse beyond filing complaints under the Fair Credit Reporting Act or taking legal action. Without state-level protections, tenants remain vulnerable to wrongful denials of housing due to improperly retained eviction records.

Hawaii's severe housing affordability crisis and tight housing market already makes it difficult for residents to secure housing, making it particularly crucial that we remove unnecessary barriers to housing access. This bill represents a significant step toward ensuring that ambiguous data from eviction filings, especially those that did not result in evictions, do not create permanent obstacles to stable housing.

Hawaii Appleseed strongly urges the committee to pass HB 463 HD3. This legislation will help create a more just and equitable housing system in Hawaii while protecting the dignity and opportunities of our residents.

Mahalo for the opportunity to testify.

LATE

HB-463-HD-3

Submitted on: 3/12/2025 11:43:00 AM
Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Monisha Das Gupta	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Senate Committee on Commerce & Consumer Protection,

I am a strong supporter of renters' rights and am submitting testimony in support of the sealed eviction record bill. I am a Hawai'i resident and live in the area code 96815. Eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from exercising their rights or even requesting the landlord to address habitability issues at their rental unit. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights to secure and safe housing.

LATE

HB-463-HD-3

Submitted on: 3/12/2025 1:51:04 PM
Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shaw Kailaka Pascua	Individual	Support	Written Testimony Only

Comments:

I am in support of bill HB463 HD3

HB-463-HD-3

Submitted on: 3/13/2025 6:25:54 AM

Testimony for CPN on 3/14/2025 9:30:00 AM



Submitted By	Organization	Testifier Position	Testify
J. Kehau Lucas	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am submitting testimony in **strong support** of House Bill 463 HD3, which seeks to disassociate eviction records to provide families with a fair opportunity to secure stable housing. The August 8th wildfires devastated our communities, displacing countless families and exacerbating an already dire housing crisis.

An eviction record—regardless of whether it resulted from no-fault circumstances, settlements, or even dismissed cases—can create lasting barriers to securing rental housing. Families who have already endured unimaginable hardship should not face further systemic obstacles when trying to rebuild their lives. This bill is a critical step toward **housing justice and economic stability**, ensuring that our ‘ohana are not permanently penalized for circumstances beyond their control.

I urge the committee to **pass HB 463 HD3** and provide Lahaina and Maui families with the fair chance they deserve to remain in the communities they call home. Mahalo for your time and commitment to Lahaina’s recovery.

Aloha ‘Āina,

J. Kēhau Lucas

No Wailuku, Maui

HB-463-HD-3

Submitted on: 3/13/2025 7:19:25 AM

Testimony for CPN on 3/14/2025 9:30:00 AM



Submitted By	Organization	Testifier Position	Testify
Kazuo Flores	Individual	Support	Written Testimony Only

Comments:

Aloha,

I'm writing in full support of HB463 HD3.

Mahalo

Kazuo Flores

LATE

LATE

HB-463-HD-3

Submitted on: 3/13/2025 5:50:05 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Makana Hicks-Goo	Individual	Support	Written Testimony Only

Comments:

LIMBY Hawaii supports this effort. There is no reason to penalize tenants when the decision comes down in their favor.